

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IVAN GOODLOW,

Plaintiff,

v.

A. GOMEZ,

Defendant.

No. 1:23-cv-00662-ADA-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS

(ECF No. 8)

Plaintiff Ivan Goodlow is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B).

On June 13, 2023, the Magistrate Judge screened Plaintiff's complaint and determined that Plaintiff had stated a claim against Defendant A. Gomez for excessive force in violation of the Eighth Amendment. (ECF No. 5.) Finding that Plaintiff failed to state a cognizable claim on any other theory, the Magistrate Judge ordered Plaintiff either to file an amended complaint or a notice to proceed only on the Eighth Amendment claim against A. Gomez. (*Id.* at 6.) On June 20, 2023, Plaintiff filed a notice of his intent to proceed on the Eighth Amendment claim. (ECF No. 6.) The Magistrate Judge then issued findings and recommendations on June 23, 2023, recommending that the Court dismiss all claims in the complaint apart from Plaintiff's Eighth Amendment claim. (ECF No. 8.) The findings and recommendations contained notice that

1 Plaintiff had fourteen days within which to file objections. That deadline has passed, and Plaintiff
2 has not filed any objections.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
4 de novo review of this case. Having carefully reviewed the entire file, the Court concludes the
5 findings and recommendations are supported by the record and proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on June 23, 2023, (ECF No. 8), are
8 adopted in full;
- 9 2. This action shall proceed on Plaintiff's complaint, filed May 1, 2023, (ECF No. 1),
10 against Defendant A. Gomez for excessive force in violation of the Eighth
11 Amendment;
- 12 3. All other claims are dismissed from this action for failure to state a cognizable
13 claim;¹ and
- 14 4. This action is referred back to the Magistrate Judge for proceedings consistent
15 with this order.

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18 IT IS SO ORDERED.

19 Dated: August 22, 2023


UNITED STATES DISTRICT JUDGE

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¹ The Court adopts the Magistrate Judge's recommendation to the extent it is necessary to focus the issues in this case. It notes, however, that the recommendation to dismiss all other claims appears to be based on a liberal reading of Plaintiff's complaint. While the complaint's statement of facts discusses discriminatory behavior, housing conditions, and verbal harassment, it alleges only a single Eighth Amendment excessive force claim against a single defendant, A. Gomez. (See ECF No. 1 at 3.)